

Exhibit D

From: [Maier, Eric J.](#)
To: [Izaak Earnhardt](#); [BOSCO, Veronica](#); [ccoslett@bm.net](#); [Zelcs, George A.](#); [Noss, Walter](#); [Lv, Kate](#); [Clerkin, Stephanie](#); [jsteinmetz@koreintillery.com](#); [Mark C. Mao](#); [Philip Korologos](#); [Jordan Elias](#); [Ted Maya](#); [Stuart Davidson](#); [MCamozzi@rgrdlaw.com](#); [MAngotti@rgrdlaw.com](#); [Serina Vash](#); [Thorne, John](#); [Goodnow, Christopher C.](#); [jrubin@moginrubin.com](#); [oliver@moginrubin.com](#); [MRParalegal@moginrubin.com](#); [kmbaxter-kauf@locklaw.com](#); [pmarkert@cerallp.com](#); [Ellis, Andrew](#)
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Subject: RE: In re Google Digital Advertising - Next steps
Date: Monday, March 11, 2024 4:24:13 PM

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Hi Veronica and Craig:

Neither Gannett nor Daily Mail agree to Google's proposal. Nothing in the Federal Rules requires a plaintiff to amend its complaint in response to a ruling on a partial motion to dismiss. Nor do we agree that Judge Castel's opinion created any "ambiguity or confusion." And we disagree that Google needs more time to answer Daily Mail's and Gannett's complaints – particularly given Google proposes to delay filing its answers until only weeks before the fact discovery deadline. Under Rule 12(a)(4)(A), Google's answers to Gannett's and Daily Mail's complaints are due on March 15. As Google has twice answered ad tech complaints filed by the group of states led by Texas and answered the separate ad tech complaint filed by the Department of Justice, we expect Google is well positioned to timely answer Gannett's and Daily Mail's complaints as well.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

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From: Izaak Earnhardt <iearnhardt@BSFLLP.com>

Sent: Friday, March 8, 2024 9:35 PM

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Subject: [EXTERNAL] RE: In re Google Digital Advertising - Next steps

Counsel -

I write on behalf of Publisher Plaintiffs in response to your proposal:

1. Publishers do not plan to file an amended complaint in response to the Court's ruling on Google's motions to dismiss. The scope of remaining claims is clear. The Court dismissed Publishers' allegations regarding Search+ (Act 14) and problematic code (Act 16); all other alleged anti-competitive acts (Acts 1-13 and 15) remain in the case. Thus, an amended complaint is not needed to clarify the scope of the remaining claims. Publishers reserve all rights to amend in accordance with the Federal Rules and relevant court orders.
2. Publishers are amenable to a stipulation regarding our state-law antitrust claims to the extent they are based on allegations regarding the anti-competitive acts dismissed by the Court. Please provide a draft stipulation, and we will provide comments and edits as soon as practicable. That stipulation should be filed no later than **Wednesday, March 13**.
3. In light of the approaching discovery cutoff, see ECF 708, it is critical that Google respond promptly to the allegations in Publishers' complaint, which was filed in December 2022. If and only if Google will not file a further letter brief seeking to dismiss any portion of the complaint, Publishers are willing to consent to an extension of Google's time to answer the complaint to **Friday, March 29, 2024**, fourteen days longer than granted by the Federal Rules. See Fed. R. Civ. P. 12(a)(4)(A); ECF 701.

Thank you.

Izaak Earnhardt

(he/him)

Associate

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Counsel,

Consistent with the Court's prior orders following dismissal rulings in the MDL, we would like to agree on

and propose to the Court a process to streamline matters following the Court's ruling on Google's motions to dismiss. We'd like to avoid any ambiguity or confusion about deadlines and what claims remain in the case. To that end, we propose the following for all remaining plaintiffs other than Inform and Daily Mail. Craig will follow up separately regarding Daily Mail.

1. By Friday, March 15, Plaintiffs will file conforming amended complaints, which clarify the narrowed scope of their claims based on Judge Castel's rulings dismissing certain claims.
2. To the extent that Plaintiffs still intend to advance state-law antitrust claims, the parties will enter into a stipulation similar to that between the States and Google, i.e., agreeing that state antitrust claims are deemed dismissed to the same extent as federal claims.
3. 15 days following agreement on the stipulation and/or conforming amendments (whichever is later), Google may file letter briefs seeking to dismiss Plaintiffs' state-law claims.
4. Google's deadline to answer a complaint will be 30 days from the latest of 1 or 2 or, if Google requests leave to move to dismiss state-law claims, 30 days from resolution of such request or subsequent motion.

Please let us know by Friday, March 8 if Plaintiffs are amenable to this proposal. If so, we will draft a proposed stipulation and order outlining the above.

Kind regards,
Veronica

Veronica M. Bosco

Senior Associate

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